

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

**Gerard Chauvel, et al.**

Serial No.: **08/890,894**

Filed: **07/10/1997**

Patent No.: **7,028,145**

**TIF-15767A**

Examiner: **Tran, D.**

Art Unit: **2186**

Conf. No.: **5253**

Issue Date: **04/11/06**

For: **MULTIPLE PROCESSOR APPARATUS HAVING A PROTOCOL  
PROCESSOR INTENDED FOR THE EXECUTION OF A COLLECTION  
OF INSTRUCTIONS IN A REDUCED NUMBER OF OPERATIONS**

**PETITION FOR EXTENSION OF PATENT TERM DUE TO EXAMINATION**

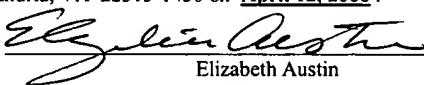
**DELAY – 37 C.F.R. § 1.181**

Box DAC

Assistant Commissioner for Patents  
Washington, D.C. 20231

**MAILING CERTIFICATE UNDER 37 CFR § 1.8(a)**

I hereby certify, that on this date, this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450 on April 12, 2006.

  
Elizabeth Austin

Dear Sir:

Applicants respectfully Petition for an extension of patent term due to examination delay in Application Number 08/890,894, for the reasons set forth below.

**ARGUMENT**

Pursuant to 35 U.S.C. § 154 & 37 C.F.R. § 1.701, the present application is entitled to an extension of the patent term if the issuance of the patent was delayed pursuant to an

appeal to the Board of Patent Appeals and Interferences resulting in a Decision favorable to Applicant – 35 U.S.C. § 154(b)(2) & 37 C.F.R. § 1.701(c)(3).

**THE FACTS:**

Applicants filed US Patent Application 08/890,894 on July 10, 1997. The Examiner issued a final rejection on June 6, 2002. Applicants filed his Notice of Appeal on October 7, 2002 and their Appeal Brief on December 12, 2002. In its Opinion dated August 10, 2004 (ATTACHMENT-1), the Board of Patent Appeals and Interferences REMANDED the application back to the Examiner in response to a request by the Office of the Group Director of Technology Center 2100 that the application be remanded to the jurisdiction of the patent examiner so that the issued raised in the appeal could be reconsidered. The Board stated that, “If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return the application to the jurisdiction of the Board so that the appeal may be restored”. The Examiner never returned the application to the jurisdiction of the Board. In a non-final Office Action dated January 26, 2005, claims that were on appeal were allowed (ATTACHMENT-2). A first Notice of Allowance was mailed to Applicants on June 1, 2005 (ATTACHMENT-3). A second Notice of Allowance was mailed to Applicants on October 11, 2005. A document entitled “Determination of Patent Term Extension under 35 U.S.C. 154(b) was attached to the Notice of Allowability and indicates a Patent Term Extension of “0” days (ATTACHMENT-4). Applicants respectfully submit that the Patent Term Extension of “0” days is in error.

**REASONS WHY THE PATENT ISSUING ON THE PRESENT APPLICATION IS ENTITLED TO AN EXTENSION OF THE PATENT TERM:**

35 U.S.C. § 254(b)(2) specifically sets forth:

**EXTENSION FOR APPELLATE REVIEW.**- If the issue of a patent is delayed due to appellate review by the Board of Patent Appeals and Interferences or by a Federal court and the patent is issued pursuant to a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended for a period of time but in no case more than 5 years. A patent shall not be eligible for extension under this paragraph if it is subject to a terminal disclaimer due to the issue of another patent claiming subject matter that is not patentably distinct from that under appellate review.

37 C.F.R. § 1.701(a) specifically sets forth:

A patent, other than for designs, issued on an application filed on or after June 8, 1995 (but before May 29, 2002), is entitled to extension of the patent term if the issuance of the patent was delayed due to:

(3) Appellant review by the Board of Patent Appeals and Interferences or by a Federal court under 35 U.S.C. 141 or 145, if the patent was issued pursuant to a decision in the review reversing an adverse determination of patentability and if the patent is not subject to a terminal disclaimer due to the issuance of another patent claiming subject matter that is not patentably distinct from that under appellate review.

The facts are: 1) the present application was filed after June 8, 1995 but before May 29, 2002; and 2) the present application is not subject to a terminal disclaimer. Accordingly, the present application is entitled to an extension of the patent term.

37 C.F.R. § 1.701(c)(3) sets forth the rules for determining the amount of term extension the present application is entitled to:

The period of delay under paragraph (a)(3) of this section is the sum of the number of days, if any, in the period beginning on the date on which an appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and ending on the date of a final decision in favor of the applicant by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145.

Based upon the above, a patent issuing on the present application is entitled to a minimum extension of patent term the sum of days between December 16, 2002 (date Appeal Brief was filed) and January 26, 2005 (date at least some of the claims on appeal were allowed) which was in response to the Board's August 6, 2004 Decision remanding the application to the Examiner. Applicants respectfully submit that the allowance of claims by the Examiner on January 26, 2005 is effectively the same as had the Board reversed the rejection of the claims. Applicants respectfully submit that the Group Director's request that the Board remand the case is a tacit admission on the part of the USPTO that the Board would have REVERSED the Examiner's rejections (on at least some of the claims) had it not been for the Group Director's intervention. Indeed, this is explicit in the Boards statement, "If reconsideration by the examiner **does not promptly result in the withdrawal of all pending rejections**, the examiner must return this application to the jurisdiction of the Board so that the appeal may be restored". Moreover, the Examiner did in fact REVERSE his rejection on some of the claims on appeal in his first non-final Office Action dated January 26, 2005 (ATTACHMENT-2) in response to the Remand, which is an explicit admission that claims on appeal were allowable.

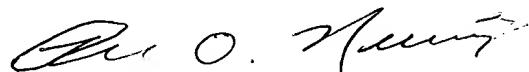
Thus, pursuant to 35 U.S.C. § 254(b)(2) & 37 C.F.R. § 1.701(c)(3), Applicants respectfully submit that U.S. Patent 7,028,145 is entitled to have its term extended for the time period from December 16, 2002 – January 24, 2005, which, Applicants believe, is 769 days.

Applicants looked for, but could not find, any authority stating that a fee is required for the present Petition. In the event Applicants have missed or overlooked a fee requirement for the present Petition under 37 C.F.R. § 1.181, please charge the petition fee, and any other necessary fees, to Deposit Account No. 20-0668. Three copies of this sheet are enclosed.

Further, if the PTO determines that Applicants' Request for Extension of Patent term in the amount of 769 days is not provided for in the regulations, or somehow fails to

comply with 37 C.F.R. § 1.181, Applicants request that their Petition be considered under 37 C.F.R. § 1.182. If it turns out that their Petition requesting an extension of Patent term in the amount of 769 days still cannot be considered under 37 C.F.R. § 1.182, Applicants further request that their Petition be considered under 37 C.F.R. § 1.183 such that any statute or regulation interfering with Applicants' entitlement to have their patent term adjusted be suspended or waived such that justice may be served. In the event the USPTO has to fall back onto 37 C.F.R. § 1.182 and/or 1.183, please charge the petition fee(s), and any other necessary fees, to Deposit Account No. 20-0668. Three copies of this sheet are enclosed.

Respectfully submitted,



Ronald O. Neerings  
Reg. No. 34,227  
Attorney for Applicants

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*RON*

The opinion in support of the decision being entered today was not written  
for publication and is not binding precedent of the Board.



Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* GERARD CHAUVEL, FRANCIS AUSSÉDA  
and PIERRE CALIPPE



Appeal No. 2004-0175  
Application No. 08/890,894

*T7-15767A*

ON BRIEF

Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH  
and NASE, Administrative Patent Judges.

*Per Curiam.*

**REMAND TO THE EXAMINER**

The Office of the Group Director of Technology Center 2100 has requested that  
this application be remanded to the jurisdiction of the patent examiner so that the  
issues raised in this appeal can be reconsidered. Accordingly, we remand.

RECEIVED *dk*

Aug 10 2004

PATENT DEPT

Appeal No. 2004-0175  
Application No. 08/890,894

If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the Board so that the appeal may be restored.

**REMANDED**

*GARY V. Harkcom*  
GARY V. HARKCOM, Acting Chief )  
Administrative Patent Judge )  
)

*William F. Smith*  
WILLIAM F. SMITH ) BOARD OF PATENT  
Administrative Patent Judge ) APPEALS AND  
) INTERFERENCES  
)

*Jeffrey V. Nase*  
JEFFREY V. NASE )  
Administrative Patent Judge )

GVH/dpv

Appeal No. 2004-0175  
Application No. 08/890,894

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UNITED STATES PATENT AND TRADEMARK OFFICE

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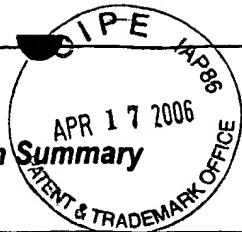
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/890,894	07/10/1997	GERARD CHAUVEL	TIF-15767A	5253
23494	7590	01/26/2005	EXAMINER	
			TRAN, DENISE	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ATTACHMENT 2-1

**Office Action Summary**



Application No.	Applicant(s)	
08/890,894	CHAUVEL ET AL.	
Examiner	Art Unit	
Denise Tran	2186	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 August 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 6-15,17,19 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 36-39 is/are allowed.
- 6) Claim(s) 6-15,17,19,34 and 35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 November 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. 07/902,191.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. In view of the Remand to the Examiner filed on 8/6/04, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 6-15, 17, 19 and 34-39 are pending in the application. Claims 1-5, 16, 18 and 20-33 have been canceled.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because for example, reference characters "ROM 13" and "Program memory 17" and "program ROM memory 33" have been used to designate a program memory; reference characters "processor 6" and "processor 16" have both been used to designate a protocol processor; reference characters "processor 5" and "processor 17" have both been used to designate a main processor; and reference characters "DPRAM 15" and "DPRAM 44" have both been used to designate a common memory. Corrected drawing

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sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The disclosure is objected to because of the following informalities: for example, reference characters "ROM 13" and "Program memory 17" and "program ROM memory 33" have been used to designate a program memory; reference characters "processor 6" and "processor 16" have both been used to designate a protocol processor; reference characters "processor 5" and "processor 17" have both been used to designate a main processor; and reference characters "DPRAM 15" and "DPRAM 44" have both been used to designate a common memory.

Appropriate correction is required.

5. The amendment filed 9/28/1999 and 3/28/02 are objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: in particular,

claim 6, line 4 "a second processor for performing vector processing" and the combination of claim 6, line 4 and claim 35, "wherein said vector processing . . . and matrix computation which requires a more powerful structure than that of DSP and which is generally of the array processor type." According to fig. 5, and specification, page 5, line 30 to page 6, line 25, the current specification only teaches the DSP 5 and the protocol processor 6 but do not teach the DSP 5 performing vector processing or the combination of the DSP 5 performing vector processing and "wherein said vector processing . . . and matrix computation which requires a more powerful structure than that of DSP and which is generally of the array processor type" claim 35.

Applicant is required to cancel the new matter in the reply to this Office Action.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, claim 6, line 4 "a second processor for performing vector processing" and claim 35, "wherein said vector processing . . . and matrix computation which requires a more powerful structure than that of DSP and which is generally of the array processor type" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 6-15, 17, 19 and 34-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, claim 6, line 4 "a second processor for performing vector processor" and the combination of claim 6, line 4 and claim 35, "wherein said vector processing . . . and matrix computation which requires a more powerful structure than that of DSP and which is

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generally of the array processor type" were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. According to fig. 5, and specification, page 5, line 30 to page 6, line 25, the current specification only teaches the DSP 5 and the protocol processor 6 but do not teach the DSP 5 performing vector processing or the combination of the DSP 5 performing vector processing and "wherein said vector processing . . . and matrix computation which requires a more powerful structure than that of DSP and which is generally of the array processor type" claim 35.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 6 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al., U.S. Patent No. 5,197,130 (hereinafter Chen).

As per claim 6, Chen teaches an apparatus, comprising:

a first processor for performing scalar processing (e.g., figs. 4 and 13, el. 100; col. 11, lines 1-15 or fig. 5, el.102), said first processor comprising a core (e.g., fig. 4, el. 106, fig. 5, el. 120), a program memory (e.g., figs. 4, 13, el. I cache or fig. 5, el. 110) and a local memory (e.g., fig. Figs. 4, 13, S registers or fig. 5, S registers);

a second processor for performing vector processing, (e.g., figs. 4 and 13, el. 100; col. 11, lines 1-15 or fig. 5, el.102), said second processor comprising a core (e.g., fig. 4, el. 106, fig. 6, el. 130, 106), a program memory (e.g., figs. 4, 13, el. I cache or fig. 6, el. 132; col. 12 lines 30-40) and a local memory (e.g., figs. 4, 13, V registers or fig. 6, V registers);

a synchronizing circuit for coupling said core of said first processor to said core of said second processor (e.g., col. 17, lines 25-40; col. 23, line 15 to col. 26, line 65); and a memory circuit for coupling said local memory of said first processor to said local memory of said second processor (e.g., fig.1, el. 12 or 14 or 16).

As per claims 14-15, Chen teaches said memory circuit for coupling said local memory of said first processor to said local memory of said second processor is physically separate from said first and second processors (e.g., fig.1, el. 12 or 14 or 16); and said memory circuit for coupling said local memory of said first processor to said

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local memory of said second processor is a DPRAM (i.e., dual ports RAM; e.g., fig. 23, el. 400).

11. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., U.S. Patent No. 5,197,130 (hereinafter Chen), as applied to claim 6 above, and further in view of Rusterholz et al., U.S. Patent No. 4,945,479 (hereinafter Rusterholz).

As per claims 11 and 13, Chen does not explicitly show said local memory of said first processor being RAM or said local memory of said second processor being RAM. Rusterholz shows a local memory of a first processor being RAM or a local memory of a second processor being RAM (e.g., col. 26, lines 10-15 or col. 31, lines 5-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Rusterholz into the system of Chen because it would allow memory locations to be accessed in any order, thereby increasing speed of accessing data.

12. Claims 36-39 are allowable over the prior art of record.

13. Claims 7-10, 12, 17, and 34-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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14. Claim 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 first paragraph, set forth in this Office action.

15. Applicant's arguments with respect to claims 6-15,17 and 34-35 have been considered but are moot in view of the new ground(s) of rejection.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Stokes et al. (4101960) show a front end task processor and a parallel task processor;
- b) Aoyama et al. (4780811) show vector and scalar processor synchronization; and
- c) Fukagawa et al. (5293602) show a system having: scalar processor, vector processor and a shared storage.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (571) 272-4189. The examiner can normally be reached on Monday, Thursday, and Friday from 8:45 a.m. to 5:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Deureghan*

DT.

1/3/05



MATTHEW KIM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER



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06/01/2005

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EXAMINER

TRAN, DENISE

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 06/01/2005

*Issue Fee Due 9/1/05*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/890,894	07/01/1997	GERARD CHAUVEL	TIF-15767A	5253

TITLE OF INVENTION: PROTOCOL PROCESSOR INTENDED FOR THE EXECUTION OF A COLLECTION OF INSTRUCTIONS IN A REDUCED NUMBER OF OPERATIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	09/01/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

*RECEIVED*



APR 17 2006  
14088  
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/890,894	07/10/1997	GERARD CHAUVEL	TIF-15767A	5253
23494	7590	06/01/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			TRAN, DENISE	
			ART UNIT	PAPER NUMBER
			2189	

DATE MAILED: 06/01/2005

**Determination of Patent Term Extension under 35 U.S.C. 154 (b)**  
(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



**Notice of Allowability**

Application No.	Applicant(s)	
08/890,894	CHAUVEL ET AL.	
Examiner	Art Unit	
Denise Tran	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 3/7/05.
2.  The allowed claim(s) is/are 7-15, 17, 19, 34, and 36-39.
3.  The drawings filed on 07 March 2005 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. 07/902,191.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

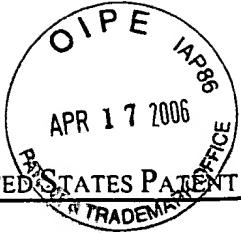
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Denise Tran  
5/25/05*



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NOTICE OF ALLOWANCE AND FEE(S) DUE

23494 7590 10/11/2005  
TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

EXAMINER  
TRAN, DENISE  
ART UNIT 2189 PAPER NUMBER  
DATE MAILED: 10/11/2005

Issue Fee 10/11/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/890,894 ✓	07/10/1997 ✓	GERARD CHAUVEL	TIF-15767A	S233

TITLE OF INVENTION: PROTOCOL PROCESSOR INTENDED FOR THE EXECUTION OF A COLLECTION OF INSTRUCTIONS IN A REDUCED NUMBER OF OPERATIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	01/11/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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X OCT 18 2005

PATENT DEPT

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

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If the SMALL ENTITY is shown as NO:

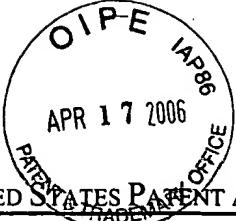
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			ART UNIT	PAPER NUMBER
			2189	

DATE MAILED: 10/11/2005

**Determination of Patent Term Extension under 35 U.S.C. 154 (b)**  
(application filed after June 7, 1995 but prior to May 29, 2000)

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**Notice of Allowability**

Application No.	Applicant(s)
08/890,894	CHAUVEL ET AL.
Examiner	Art Unit
Denise Tran	2189

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1.  This communication is responsive to the telecommunication on Friday 9/23/05.
2.  The allowed claim(s) is/are 7--15, 17, 19, 34, and 37-39.
3.  The drawings filed on 07 March 2005 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. 07/902,191.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

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6.  Interview Summary (PTO-413),  
Paper No./Mail Date 9/23/05.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Denise Tran  
5/25/05*

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronald O. Neerings on 9/23/05.

2. The application has been amended as follows:

**In the claims:**

Please, cancel claim 36;

Claim 7, line 3, after "program," please insert --ROM--;

Claim 37, line 3, after "program," please insert --ROM--.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (571) 272-4189. The examiner can normally be reached on Monday, Thursday, and Friday.

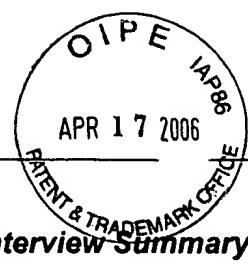
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Denise Tran

9/25/05



**Interview Summary**

	<b>Application No.</b>	<b>Applicant(s)</b>	
	08/890,894	CHAUVEL ET AL.	
<b>Examiner</b>	<b>Art Unit</b>		
Denise Tran	2189		

All participants (applicant, applicant's representative, PTO personnel):

(1) Denise Tran. (3) \_\_\_\_\_.

(2) Ronald O. Neerings (Req. No. 34,227). (4) \_\_\_\_\_.

Date of Interview: 23 September 2005.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 7 and 36-37.

Identification of prior art discussed: Cutler et al. 5,291,581.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. O.Neerings agreed to cancel claim 36 and amend claims 7 and 37 as stated in the examiner's amendment to overcome the prior art discussed above.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**ATTACHMENT 4-6**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted In writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



<b>Notice of References Cited</b>	Application/Control No.	Applicant(s)/Patent Under Reexamination CHAUVEL ET AL.	
	Examiner Denise Tran	Art Unit 2189	Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,291,581	03-1994	Cutler et al.	711/152
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

#### NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.